IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2960 OF 2006

Govind Bhagwan Jadhav & Ors. .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.A.R.Singh for applicant

Mr.S.Hingorani, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th August 2006

P.C.

. Heard Mr.Singh for applicant and Mr.Hingorani, A.P.P. for State.

2. Applicants had applied for bail after the charge sheet was filed. In the application for being released on bail, applicants had specifically pointed out that they have been detained since June 2006. The case is that one of the accused Vasant Waman More is a builder and in a newly constructed building, accused booked flats. Agreement and other documents were prepared as per his suggestion and advice. Thereupon, they were submitted to the banks to get housing loan sanctioned. It appears that the documents which were submitted to the bank, based upon which the loan was obtained, were not genuine. It is in these circumstances, that the F.I.R. was lodged alleging various offences including cheating and forgery.

3. It is not disputed before me that except the principal accused Vasant More all other accused have been released on bail. Their role in the entire transaction is identical to that of

present applicants. In such circumstances, it is not disputed that they are entitled to the benefit of the order passed in favour of other accused. Applicants, therefore, deserve to be enlarged on bail.

4. There are no anticedents, except applicant No.2. However, it is not pointed out to me as to how mere pendency of the case registered at Samata Nagar Police Station against applicant No.2, disentitles him from getting bail in this matter. Mr.Singh points out that in the case where the applicant No.2 is arrayed as accused, other accused in the present case are also involved. It is not necessary to go into these details because it is not pointed out to me as to how, despite other accused being enlarged on bail, the applicants herein do not deserve benefit of the same. Hence, the following order:-

i) The applicants arrested in connection with offence registered vide C.R.No.7 of 2005 registered with GBCB, CID, Mumbai shall be enlarged on bail subject to furnishing a personal bond of Rs.25,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants shall remain present before the concerned investigating officer once a month between 11.00 a.m. and 1.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about his place of residence and address where he proposes to stay after they are enlarged on bail. The applicants will

not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any

finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)